

April 11, 2016

Ms. Myra Martinez
Acting Superintendent, Espanola Public Schools
714 Calle Don Diego
Espanola, New Mexico 87532

Mr. Pablo Lujan
Chairman Espanola Board of Education
714 Calle Don Diego
Espanola, New Mexico 87532

RECEIVED
APR -11 REC'D
Superintendent of Schools
Espanola Public Schools
10:02 AM

Dear Ms. Martinez and Mr Lujan:

I am in receipt of a letter of Discharge from Ms. Bobbie Gutierrez dated April 6, 2016.

This is my official request for a due process hearing pursuant to law.

On March 22, 2016 and again on April 6, 2016 I requested information so I could represent myself before Ms. Gutierrez concluded her investigation. She ignored both requests, the administration has acted unlawful and prejudicial.

Ms. Gutierrez will be presenting the case against me before the local school board correct?

Anyone else does not allow be to face my accuser, due process means the right to determine how Ms. Gutierrez formulated her decisions to discharge my employment contract. I make reference to the industry accepted seven (7) Steps of Just Cause Guidelines.

I am curious why Ms. Gutierrez cited a violations of school board policy J-3850 in her letter dated March 21, 2016. In her discharge letter dated April 6, 2016 there is no mention of a violation of policy J-3850 where I clearly lead the team in prayer. Ignoring a policy violation?

Please forward immediately the following information and answers to questions outlined in this letter.

- Copy of my entire personnel file.
- Please include all evaluations and growth plans since the beginning of my employment contract as a certified teacher and a licensed coach.
- Copies of the two (2) reports submitted by the Albuquerque based company that performed the investigations. Is the report looking at my teaching contract or my coaching contract?

- Were the two (2) investigations paid for with Espanola District Federal Funds, or Operational Funds? This is public information.
- Copies of all Espanola School Board Policies, New Mexico Public Education Department Regulations, and New Mexico Ethical Responsibility of the Education Profession that are cited by Ms. Gutierrez. Are the violations for my teaching contract or my coaching contract?
- Please provide all examples noted in reason number 1. Are these examples from my teaching contract or my coaching contract?
- Please identify the person (s) you assert in reason number 1. Are these persons for my teaching contract or my coaching contract?
- Please provide the multiple parent/student reports you cite in reason number 1. Are these for my teaching contract or my coaching contract?
- Written as a reason in number 2 is an assertion that I have been counseled and warned in previous years, (please define what school year (s), please provide the documentation and the name of the person (s) that will substantiate the assertion. Are these for my teaching contract or my coaching contract?
- Please provide a full copy of the Audit you cited in reason number 3. Is this audit for my teaching contract or my coaching contract?
- Please provide the date, time, and student name and the context of my remarks on the radio broadcast as cited in reason number 4. Is this violation of my teaching contract or my coaching contract?
- The facts surrounding reason number 5 are most troubling. I submitted a letter to Ms. Gutierrez dated April 6, 2016 articulating that I was not going to meet without my attorney. Ms. Gutierrez fabricated this urgency for the meeting because she had to conclude her investigation prior to resigning.
- Please provide names of students, staff members, parents, and any other person you plan to call as witnesses and a brief descriptor of their individual testimony. Are the witnesses for my teaching contract or my coaching contract?
- Please provide a chronological sequence of events leading up to my discharge. Please include any paper work (including emails) that details the sequence. There should be two (2) chronological sequence one (1) for my teaching contract and one (1) for my coaching contract?

- Please provide all correspondence both written and verbal between Ms. Gutierrez and Espanola School Board member's as they relate to my discharge and termination. Correspondence should be for my teaching contract or my coaching contract?
- It appears several school board member's discussed their opinions openly with the public, which violates my guarantee of due process rights. Please suggest how we can remedy these serious infractions that have made it impossible for these individuals to be objected? Please explain your thoughts when responding to this letter.
- It is evident that the district used reasons/violations for my discharge that are covered under my coaching contract, and a few under my teaching position. The district is attempting to couple the two (2) contracts. The district terminated my coaching contract and it appears those allegation listed on the discharge letter pertain to my coaching contract therefore need to be removed as just cause reasons for discharge.
- Please rewrite the reasons cited for discharge to not include coaching contract duties only those pertaining to my job description as a certified teacher.
- I had two (2) separate contracts and they need to be dealt with independently of each other. This is like double jeopardy being imposed.
- Please review Ms. Gutierrez letter dated March 28, 2016; she writes; "but you must understand that this is an on-going investigation for which there are not to many answers to many of your questions at this time". Frankly, now with the discharge action taken all my questions and requests should be honored without hesitation and within a short time frame.
- Am I correct that the Espanola School Board Hearing can be held publicly and also aired on our local radio station if I request?
- I will submitted a list of parents, former students, staff members, and leaders in the community that will testify on my behalf in support of my teaching methods in a timely manner before the hearing. I have been a positive influence for hundreds of our students. My teaching evaluations and track record will support the latter.

Thank you, I look forward to receiving all the information and answers to the questions I have presented within 5 working days from the date of this letter. (April 18, 2016)

Sincerely:


Richard K. Martinez

April 11, 2016

Ms. Myra Martinez
Acting Superintendent, Espanola Public Schools
714 Calle Don Diego
Espanola, New Mexico 87532

RECEIVED
APR 11 REC'D
Superintendent of Schools
Espanola Public Schools
10:02 am

Mr. Pablo Lujan
Chairman Espanola Board of Education
714 Calle Don Diego
Espanola, New Mexico 87532

Dear Ms. Martinez and Mr. Lujan:

I am in receipt of a letter of Termination from Ms. Bobbie Gutierrez dated April 6, 2016.

This is my official request for the written reason for Ms. Gutierrez action.

The New Mexico School Personal Act requires that I also be afforded a due process hearing before the local school board after I receive your reasons for termination after three (3) consecutive contracts have been issued.

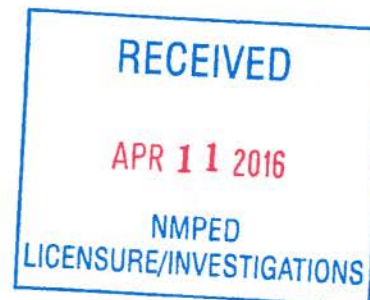
Therefore, I am requesting that your office schedule a due process hearing as provide by state law before the local school board after I have received the reasons for such action of termination for my coaching position.

If the latter is not provided please schedule a hearing with the board so I can grieve that decision.

I look forward to your response.

Sincerely:

Richard R. Martinez





SUPERINTENDENT
Mrs. Patricia Y. Archuleta
753-2254
FAX: 753-2321

Española Public Schools

District No. 45

714 Don Diego ST.

ESPAÑOLA, NEW MEXICO 87532

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BOARD OF EDUCATION

Mr. Joe Guillen, President
Mr. Leroy J. Salazar, Vice President
Mr. Jose Benito Chavez, Secretary
Mr. Alex M. Naranjo, Member
Mr. Elias Coriz, Member

May 19, 2000

To: Richard Martinez

Fr: Joe Fresquez, Acting Director of Human Resources *gm*

Re: Discrepancies on File

Please submit a copy of your Child Abuse Training Certificate to Human Resources Office by Friday, May 26, 2000 lest you want your second paycheck for May and summer pay withheld until you comply with this directive.

Xc: Terry Covert, Associate Superintendent of Finance
Alfred Garcia, Associate Superintendent
Rudy Montoya, Associate Superintendent

SUPERINTENDENT

Janette Archuleta

Email:

janette.archuleta@k12espanola.org

Website: www.k12espanola.org

714 Calle Don Diego

Espanola, New Mexico 87532

505-753-2254

Fax 505-747-3514

★ **Espanola** ★

PUBLIC SCHOOL DISTRICT #55



Reaching for Excellence

BOARD OF EDUCATION

Joann V. Salazar, President

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Andrew J. Chávez, Secretary

Leonard J. Valerio, Member

Jose L. "Coco" Archuleta, Member

TO: Richard Martinez, Head Boys Basketball Coach

FR: Janette Archuleta, Superintendent

Date: June 14, 2010

RE: Letter of Reprimand

Please allow this letter of reprimand to document our meeting of June 10, 2010 where we discussed issues of concern related to your conduct.

State regulation, the educator code of ethics, board policy, and need for smooth operation of our school require that Espanola Public Schools (EPS) staff refrain from creating an intimidating, hostile, or offensive environment as well as refrain from verbally abusive language and/or threatening conduct with parents and members of booster organizations.

On June 9, 2010 you engaged in unprofessional behavior with a parent/booster club officer at the EVHS gymnasium. Your actions were witnessed by several individuals and reported to me. I provided you the opportunity to respond to the allegations on June 10, 2010 at which time you acknowledged losing your composure, instigating an argument, and posturing to suggest that the situation might escalate into a physical confrontation. Even after listening to your perspective and contextual information, I have concluded that your actions were very inappropriate and constituted misconduct.

Please be advised that this type of misconduct and abusive treatment of others will not be tolerated. Any further instances of misconduct or inappropriate behavior will be treated as insubordination and will subject you to discipline, up to and including termination. Also be advised that your actions are under continuing review and any retaliatory acts against parents or students stemming from the incident of June 9, 2010 will also be considered insubordination and are grounds for the discipline outlined above.

To promote a genuine spirit of cooperation between the District and community in sharing leadership for the improvement of the school and community, the Board of Education and I recognize that some of the strongest school support comes from parents or organizations having interests in specific students or school activities. Support from booster organizations is encouraged wherever appropriate as a means of involving the public in the activities and goals of the District. As an employee of the District, policy directs you to strengthen and support booster organizations by cooperating in any way possible to assist them in helping the schools.

I reiterate my statement to you that as an employee of EPS, your conduct may be regarded as representative of the District. To repeat, I hope it is very clear that failure to adhere to District policy and my directives will result in discipline including termination. In addition, I reserve the right to raise these issues in your future evaluation documents.

Xc: Personnel File

Acknowledgement of Receipt

Employee Signature

Date

SUPERINTENDENT

Bobbie J. Gutierrez

bobbie.gutierrez@k12espanola.org

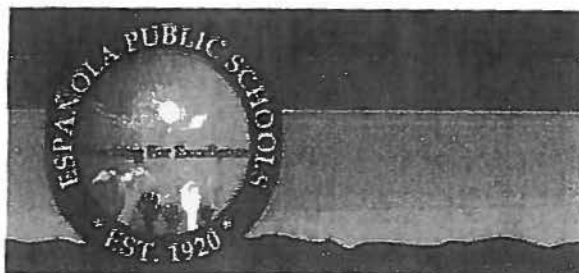
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**BOARD OF EDUCATION**

Pablo E. Luján, President

Lucas Fresquez, Vice President

Annabelle Almager, Secretary

Ruben Archuleta, Member

Yolanda M. Salazar, Member

March 21, 2016

Richard Martinez

Dear Mr. Martinez,

Effective the date of this letter, you are placed on Administrative Leave with pay. The expected length of your leave is unknown at this time. This leave is necessitated due to allegations of misconduct and unprofessionalism on your part that, if true, violate law and Board policy. During your leave, you are not to enter your work site or any other Espanola Public School property, or school-sponsored or school-related event, unless authorized to do so by me in writing.

Reasons for your administrative leave include, but are not limited to:

1. Violation of FERPA and student privacy and confidentiality as per Board Policy G-0750
2. Inadequate supervision of students and student safety as per Board Policy G-0850
3. Mismanagement of departmental and/or team resources as per Board Policy D-1550
4. Allegations of abusive coaching methodologies and practices
5. Lead student athletes in prayer (posted on KDCE website) violation of Board Policy J-3850
6. Multiple violations of the EVHS Philosophy of the Athletic Program and the New Mexico Activities Association concept of Education-based Athletics.

You may, of course, contact your NEA representative to discuss the allegations and ask for representation.

Furthermore, you are to remain available to investigative personnel during the course of this leave. When directed to attend an investigative meeting, you will be permitted to enter the administrative building at 714 Calle Don Diego. You do have the right to respond to any allegations in writing by sending such written communication directly to me.

You are reminded that comments, if any, regarding your administrative leave and the underlying circumstances for your administrative leave are to be made in accordance with the Collective Bargaining Agreement, Article 33, Section C, which states: "Confidentiality of Criticism: Any criticism by an administrator or supervisor of an employee, and/or the employee's performance or any criticism of an administrator, supervisor by an employee will be made in private and not in the presence of students, parents, co-workers, or members of the public." Additionally, you are to refrain from communication with other school district employees, parents, students and/or members of the Board in a manner that may reasonably be construed as an attempt to delay, impede or otherwise influence the outcome of the investigation and review of the EVHS basketball program. Any questions regarding this matter, your employment, or any issues dealing with EPS should be directed only to me by contacting me at (505) 367-3303.

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You are also instructed to refrain from public comments, including comments to the media, in a manner that identifies a student by name or by which any particular student may be readily identified, for example, by parent name or parent profession, or by the fact that a student may be singularly situated by a stated fact or circumstance unique only to that student.

Furthermore, you need to turn in your keys, badge and laptop computer prior to leaving campus.

Sincerely,



Bobbie Gutierrez
Superintendent of Schools

cc: Personnel File

INVESTIGATIONS DIVISION

FILE NUMBER: 800531

CASE NAME: Richard Martinez

ATTACHMENT #2

Notice of Termination and Notice of Discharge

SUPERINTENDENT

Bobbie J. Gutierrez

bobbie.gutierrez@k12espanola.org

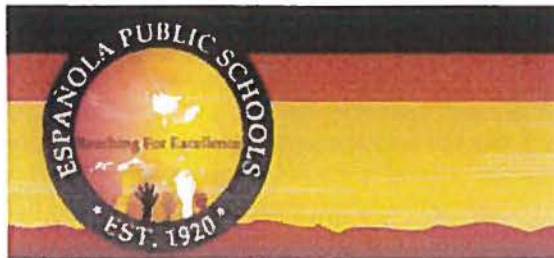
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**BOARD OF EDUCATION**

Pablo E. Luján, President

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Annabelle Almager, Secretary

Ruben Archuleta, Member

Yolanda M. Salazar, Member

**NOTICE OF TERMINATION
OF SCHOOL EMPLOYEE**

April 6, 2016

TO: Richard Martinez



As the Superintendent of the Espanola Public Schools, I am advising you of my decision to end your current position as coach for any EPS athletic teams for the 2015-16 school year and to give you notice of my intention not to offer you any coaching position with EPS for the 2016-17 school year. This notice is served pursuant to NMSA 1978, Section 22-10A-24. To the degree that you are owed any payment for signed coaching contract increments for the 2015-16 school year, those amounts will be paid upon completion of the current school year.

You may request in writing the reasons for the action to terminate you. Within five working days from the date that I receive your written request for a statement of reasons, I will provide you with written reasons for your termination. The reasons given shall not be publicly disclosed either by my office or the Board of Education. The reasons shall not provide a basis to contest your termination under the New Mexico School Code.

Sincerely,

Bobbie J. Gutierrez

Superintendent

Espanola Public Schools



SUPERINTENDENT

Bobbie J. Gutierrez
bobbie.gutierrez@k12espanola.org
Website: www.k12espanola.org
714 Calle Don Diego
Espanola, New Mexico 87532
505-753-2254
Fax 505-747-3514

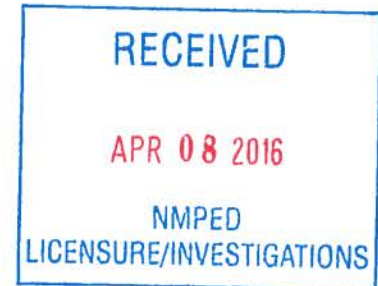
**BOARD OF EDUCATION**

Pablo E. Luján, President
Lucas Fresquez, Vice President
Annabelle Almager, Secretary
Ruben Archuleta, Member
Yolanda M. Salazar, Member

APRIL 6, 2016

NOTICE OF DISCHARGE

Richard Martinez
[REDACTED]



Dear Mr. Martinez:

I am writing as a Superintendent of the Espanola Public School District to notify you of my decision to discharge from your position as a certified employee of the school district. This action is taken pursuant to NMSA 1978 Section 22-10A-27. Prior to the issuance of this Notice, you were directed multiple times to meet with me, with the option of multiple times and dates, however you refused to do so.

The just cause deemed sufficient for your discharge includes:

1) Misconduct: You have engaged in multiple forms of abusive treatment of students, including but not limited to: cursing at students, directing abusive comments and "name-calling" toward students within your care, diminishing student academic achievement by ridiculing students in rigorous classes, and failing to supervise students under your care within your class load. By way of example, but not inclusive of all such instances which will asserted by the District in any hearing, during the fall semester of 2015 students reported that during the lunch hour when students were playing basketball you told a student to, "Get the fuck out of here you mother fucker." The following comment made by you to basketball player [REDACTED] has been reported to the administration multiple times. Following the Las Vegas Robertson loss this season you said, to the effect, "What's wrong with you, you suck just like your dad did at McCurdy." During the 2014-2015 school year you made a comment that diminishes student athletes' academic achievement, "Oh Mr. Honors, I didn't take honors and look how good I turned out." Multiple reports have also been made that you have failed to properly supervise students. On March 16, 2016, Mrs. Romero Kilmer sent the Office Manager to ask you if you were prepared for your evaluation, as you had not downloaded proper documents in NM TeachScape. Upon arrival at the gym, you were not with your class. As the Office Manager made her way back to the office to inform Mrs. Romero Kilmer that she could not locate you, she ran into you in the hallway and informed you that Mrs. Romero Kilmer wanted to see you when you were available. Additional examples from multiple parent/student reports similarly demonstrate a pattern of mistreatment, disrespectful language and demeaning comments directed at students. Your misconduct in this context demonstrates an inability to appropriately and productively communicate with students, a failure to comply with basic notions of respectful treatment of students by a teacher, and an overall lack of judgment. These problems have undermined your ability to teach, and are of

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such magnitude, that they constitute just cause for your discharge. Your actions constitute a violation of Espanola Public Schools Board Policy and New Mexico Public Education Department regulations, including the New Mexico Code of Ethical Responsibility of the Education Profession.

2) Misconduct and Failure to Conform Conduct: In previous years, both as a teacher and coach, you have been counseled and warned regarding similar abusive treatment of students and that such mistreatment is not appropriate in any context. Rather than altering your conduct, your mistreatment of students has continued into the current year. Your actions, taken together, demonstrate an unwillingness to follow directives and a failure to respond to progressive discipline. You have had notice of such issues and have been warned that continued misconduct could result in termination or discharge. Your misconduct, singularly, and taken together, demonstrates a lack of fitness for the school environment and warrants discharge. Your actions constitute a violation of Espanola Public Schools Board Policy and New Mexico Public Education Department regulations, including the New Mexico Code of Ethical Responsibility of the Education Profession.

3) Misconduct and/or Incompetence: In your capacity as a school employee, you have actively engaged in fund-raising using the school district's name and the labor/efforts of students and parents. Audits of those funds reveal over \$1,000 missing from fund-raisers directly run by you and programs for which you are responsible. Your failure to adequately account for such funds and to protect money raised for student purposes amounts either to an act of dishonesty or gross incompetence. In either case, your actions in this regard demonstrate just cause for discharge. Your actions constitute a violation of Espanola Public Schools Board Policy, New Mexico law and New Mexico Public Education Department regulations, including the New Mexico Code of Ethical Responsibility of the Education Profession.

4) Misconduct: As a teacher, you are trained and understand that students have privacy rights to their educational records, which includes their grades and disciplinary records. On (date), during a radio broadcast, you referred to a student by name and stated that the student would not be playing in a game because of issues at school, referring directly to that student's private records. Your actions demonstrate careless disregard for the privacy rights of students and are symptomatic of your abusive and cavalier disrespect for students. Your actions constitute a violation of Espanola Public Schools Board Policy, New Mexico law, Federal law, and New Mexico Public Education Department regulations, including the New Mexico Code of Ethical Responsibility of the Education Profession.

5) Misconduct: During investigation of this matter, you were directed to attend an investigatory meeting with the superintendent and given three separate opportunities to meet. All directives given for meeting times were during the work day and during your administrative leave where you are required to be available. You were warned that a refusal to meet would be treated as a separate form of insubordination, but you nevertheless refused to comply with directives. This refusal is symptomatic of a pattern in which you do not believe that the rules or directives of your supervisors apply to you. This form of misconduct permeates your treatment of students and the way you conduct your school business, and thus, as a general matter, it also warrants your discharge. Your actions constitute a violation of Espanola Public Schools Board Policy and New Mexico Public Education Department regulations, including the New Mexico Code of Ethical Responsibility of the Education Profession.

You have a right to a hearing before the local school board. If you wish to have a hearing before the Board, please provide a request to me in writing within five days of your receipt of this

notice. Your request to address the board will be granted if made as set forth herein. The school board shall meet to hear your statement no more than 40 and no less than 20 working days after I receive your request.

You will have at least 10 days written notice of the date, time and place of the discharge hearing. The hearing before the Board will be conducted as described in NMSA 1978 Section 22-10A-27(D) through (H). The local school board shall notify you of its decision in writing within 20 calendar days after the conclusion of the meeting. The action of the local school board in discharging you shall be effective on the date the written copy of the decision is served upon you. For purposes of this section, mailing of the written copy of the decision by certified mail, return receipt requested, shall constitute service after five days from the date of mailing.

In the event that you are aggrieved by the decision of the local school board to discharge you, you may request an appeal to an independent arbitrator. A written request for an appeal should be submitted to me within five working days from the receipt of a copy of the written decision of the local school board. Please consult NMSA 1978 Section 22-10A-28, in particular for your rights and the procedures relating to such appeals.

Finally, if you intend to have counsel represent you in this matter, please provide his/her contact information to me so that I can provide your representative with information regarding this process. Thank you for your attention to these matters.


Superintendent



INVESTIGATIONS DIVISION

FILE NUMBER: 800531

CASE NAME: Richard Martinez

ATTACHMENT #3

Superintendent Dr. Danny Trujillo and Principal
Hoyt Mutz letter of parent's concerns to Richard
Martinez



ESPAÑOLA VALLEY HIGH SCHOOL

Hoyt Mutz, Principal
Christiana Valdez, Assistant Principal

January 22, 2014

To: Richard Martinez, Head Boys Basketball Coach

Fr: Hoyt Mutz, Principal, Dr. Danny Trujillo, Superintendent

Re: Parent Concerns

- You are being advised that we have received numerous complaints from parents from the boys basketball team. We will discuss these concerns on January 23, 2014 at 2:25 pm in my office to try to resolve the issues.
- Pursuant to the superintendent, he is recommending an investigation into these allegations; you are advised not to have direct contact and/or conversations regarding these issues with parents and student.

1111 El Llano Road
Española, NM 87532
(505)753-7357

January 29, 2014

To:

Espanola Public Schools
714 Calle Don Diego
Espanola, NM 87631

Dr. Daniel Trujillo, Espanola Public Schools Superintendent

Mr. Ralph Medina, Espanola Public School Board President

Mr. Lucas Fresquez, Espanola Public School Board Vice President

Ms. Annabelle Almager, Espanola Public School Board Secretary

Mr. Andrew Chavez, Espanola Public School Board Member

Mr. Pablo Lujan, Espanola Public School Board Member

From:

Heather E. Velasquez, Community Member and Parent

Dear Sirs' and Ma'am',

It is with the utmost concern and respect for all parties involved, that I write this letter. I am completely uneasy and overwhelmed with disbelief that complaints and issues raised about Mr. Richard Martinez, Head Coach Espanola Valley High School (and his coaching staff) have not been acted upon in a serious nature in order to protect the young men of the Espanola Valley Basketball Teams. Richard Martinez has not been suspended or removed from office until "your internal" investigation is conducted/concluded, why not? Where does this due process protect our children? Do our young men have to keep being subjected to retaliation, verbal abuse and coercive power?

Sorry Dr. Trujillo, but without your presence of last night's game, there was not one "High Five" given to those young men struggling to get another victory out there during the game against Los Alamos High School.

During the past several months, I have watched a team of 15 young talented men fall apart as a team and fall apart individually. I have witness Mr. Martinez, step out onto the basketball court during games and "yell obscenities and embarrass" them outright in front of the entire community. During the Alumni Game held at Espanola Valley High School, Coach Richard Martinez grabbed [REDACTED] on the shoulder, shake him and yell at him to apologize to [REDACTED], a 24 year old member of the other team playing against the Varsity Team from Espanola. I could not believe that Richard did not defend the actions of mistreatment and manhandling from the 20, 25, 29 and 35 year olds by that Alumni Team, but rather defended them.

During the Taos Tournament, Coach Richard Martinez again walked all the way to the half court line to yell and reprimand [REDACTED] about making a mistake out on the court during a play. I witnessed [REDACTED] put his head down in shame and walk away. During the day of that Taos game, the team had to run drills before getting on the bus for Taos and if they didn't win they were going to come back home and have practice per Coach Martinez. I have witness Coach Richard Martinez not let players recover from their mistakes out on the court, but react and replace them immediately with a substitute player immediately after a mistake has been made.

Over the past few months, my son has been irritable, grumpy and very "snappy". He is back talking and using language that he has never used. He has never displayed this type of character and this is not his demeanor. His behavior is of those being subjected to a HOSTILE environment and is demonstrating learned behavior. I have witness my son coming home at 9:30 p.m. completely famished and not wanting to eat dinner because Coach Richard Martinez had them doing "running drills" for 2 out of their 3 hour practices. During a recent game at Albuquerque High School a player broke a vending machine because his Gatorade was not dispensed. In my opinion, this outburst and others that have occurred is a direct example of what type of environment these young men are in. Espanola is always portrayed negative to other communities', do we not want an example of class and tact leading our youth in to other communities'?

Recently, the team has had 3 young men hand in their jerseys and quit the team. Does this not raise a big red flag? These young men are willing to put their dreams of playing ball aside because they are backed into a corner until they quit.

I am the mother of a 3.8 GPA student athlete on this team. I am NOT by any means complaining of his playing time or lack of. I am filing a formal complaint on behalf of myself and as a community member. I will no longer sit back and stay quiet about how this Coach talks and belittles these young men. This is not acceptable behavior. We cannot continue to raise these young men into thinking its ok to talk to your family, community, and peers like this. I am sorry, but I have not and will not ever call my son, a "Vale Verga" and nor do I appreciate these young men being subjected to this type of language.

I also do not think that it is fair that grades conveniently get changed in order to be able to play basketball. There are young men on that team that has to get up every morning and make 5:45 a.m. practices, leave school early to attend their games on travel and still manage to keep up with their studies in order to make a 3.0 or above.

These young men are on an emotional roller coaster, they are walking on egg shells and I think that removal of Coach Richard Martinez has to take place until a full investigation is concluded in order to protect these children, mind you they are still underage. We need to protect their dignity and integrity. How do you shape a better future and community by sweeping things under the rug and slapping someone on the hand? I refuse to sit back and allow this to happen to future generations.

Respectfully Submitted,
[REDACTED]

INVESTIGATIONS DIVISION

FILE NUMBER: 800531

CASE NAME: Richard Martinez

ATTACHMENT #4

Espanola Human Resources Director Esther Romero
completed investigation report to Superintendent Dr.
Trujillo.

February 6, 2014

**Human Resource
Department**

Website: www.k12espanola.org
714 Calle Don Diego
Española, New Mexico 87532
505-753-2254
Fax 505-753-4699



February 6, 2014

To: Dr. Danny Trujillo
Superintendent

From: Esther V. Romero
Human Resource Director

Re: Richard Martinez, Head Boys Basketball Coach

RECEIVED

APR 08 2016

NMPED
LICENSURE/INVESTIGATIONS

The main allegations and results of the interviews concerning Mr. Richard Martinez, Head Boys Basketball Coach is as follows (20 players were interviewed and all 4 coaches for basketball, including teachers that have made grade changes):

1. Grade Changes
 - a. All grade changes that have been made were all justified by assignments, homework and errors made in calculations.
2. Student Off Campus
 - a. Coach was not aware or does not remember any incidents
 - b. Coach does know the policies and protocol
3. Profane Language
 - a. Of all 20 players interviewed the following was found,
 - A. Yes, Coach does use profanity (15)
 - B. No, Coach does not use profanity (5)
 - b. Language is used at half-time, time outs and practice, or when is upset
 - A. Words used (i.e. "ass", "hell", "dam", "F" word, "shit")
 - c. Has weird moods, goes over the limit and a hard mental hardness as per the players
 - d. Mr. Martinez does know that he sometimes slips and is trying to control the language
 - e. A PGP is warranted for his language usage
4. Physicality
 - a. 20 Players were interviewed
 - A. No physicality – 13
 - B. Maybe – 3 (1- heard a slap, did not see anything, 2 say he grabs arms when he is putting them in the game)
 - C. Yes physicality – 4 (grabbed and shock, pushed and grabbed, grabs shirts)
 - D. Only [REDACTED]'s parents and his family say they saw the shaking and pushing
 - E. Coach, denies that he has never pushed or touched a player inappropriately

5. Bullying

- a. 10 – no bullying
- b. 10 – yes bullying
 - 1. Comments that were made were the following:
 - A. Aggressive
 - B. Negative, lots of put downs, belittling, discourages everyone, never positive
 - C. Uses bad tactics
 - D. Name calling (i.e. pussies, bananas, monkeys)
 - E. Says mean things like (i.e. "you're worthless", "I don't need you")
- c. Coach says he does not use name calling, he knows he is very demanding of his players and make the players work hard for better results

6. Intimidation/Retaliation

- a. No – 17
- b. Yes – 3
 - A. Comments made were:
 - 1. Does not feel needed
 - 2. keep running and don't stop
 - 3. I will replace you and put you in J.V.
 - 4. Feeling trapped
 - 5. Just by his looks
 - 6. The transfer off players to other schools
- c. Coach has always had the practice of moving the players from J.V. and Varsity to help them grow

Danny Trujillo

To: EPS Board of Education
Cc: Hoyt Mutz; Eric Vigil
Subject: Reinstatement of Coach Martinez

Importance: High

Board,

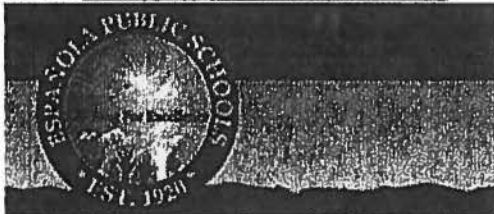
I have called, left messages/texts that

Coach Martinez was reinstated on Friday, February 7, 2014 per my initial directive and after meeting with him today per his PGP & after finding out this AM that practice had been cancelled and maybe no practice with the students today & tomorrow as I find this to be unacceptable! We need to be there for the students. I have requested that they practice today and Mr. Eric Martinez will be there today with the boys at 5pm.

As it was his request to be reinstated on Monday, February 10, 2014. And I did announce & qualify my statement as such during the Board mtg. , but based on the information above he is to coach on Saturday and he may have another practice.

We are going to here from the parents, but I will take care of that.
I will cont

Danny Trujillo Ed.D
Superintendent
Española Public Schools
714 Calle Don Diego
Española, New Mexico 87532
Phone – 505-367-3303
Cell – 615-4901
Email: danny.trujillo@k12espanola.org



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EXHIBIT

EXHIBIT

STUDENT CONCERNS, COMPLAINTS,
AND GRIEVANCES

COMPLAINT FORM



(To be filed with the school administrator or the administrator's supervisor,
or with a professional staff member who will forward it to the
school administrator or the administrator's supervisor)

Additional pages may be attached if more space is needed.

Please print:

Name

Date

2-4-14

Address

Telephone

Another phone where you can be reached

During the hours of

TAOS TOURNEY

E-mail address

I wish to complain against:

Name of person, school (department), program, or activity

Richard Martinez Head basketball
COACH

Address

Specify your complaint by stating the problem as you see it. Describe the incident, the participants,
the background to the incident, and any attempts you have made to solve the problem. Be sure to note
relevant dates, times, and places.

on Dec 7th of 2013 We observed
COACH R. Mtz. Handle [redacted] with force to
Both shoulders & sit him on the bench. And
Told him he was not capable of doing
his part in the game

Date of the action against which you are complaining 12-7-13

If there is anyone who could provide more information regarding this, please list name(s), address(es), and telephone number(s).

Name Address Telephone Number

[REDACTED]

The projected solution

Indicate what you think can and should be done to solve the problem. Be as specific as possible.

Suspension or - Termination

Requests - Termination

I certify that this information is correct to the best of my knowledge.

Signature of Complainant

Date Signed

2-4-2014

Administrator or professional staff member receiving initial complaint Date initial complaint received

The investigating administrator shall give one (1) copy to the complainant and retain one (1) copy for the file.

J-3631 © JII-EA

EXHIBIT EXHIBIT

STUDENT CONCERNS, COMPLAINTS,
AND GRIEVANCES

COMPLAINT FORM

(To be filed with the school administrator or the administrator's supervisor,
or with a professional staff member who will forward it to the
school administrator or the administrator's supervisor)
Additional pages may be attached if more space is needed.

Please print:

Name

Date

1/30/14

Address

Telephone

Another phone where you can be reached

During the hours of

6am - 9 pm

E-mail address

I wish to complain against:

Name of person, school (department), program, or activity

Coach Richard

Martinez, Head Coach EVHS

Address

Espanola, NM

Specify your complaint by stating the problem as you see it. Describe the incident, the participants, the background to the incident, and any attempts you have made to solve the problem. Be sure to note relevant dates, times, and places.

Please refer to attached letter dated
1/29/14 sent to all school board
members and Superintendent.

Date of the action against which you are complaining

2013-2014 EVHS Basketball
Season

If there is anyone who could provide more information regarding this, please list name(s), address(es), and telephone number(s).

Name Address Telephone Number

[REDACTED]

The projected solution

Indicate what you think can and should be done to solve the problem. Be as specific as possible.

Suspension / Administrative leave
from position. The members of
the team are afraid to go to
practice because they are afraid
he is going to make their
life hard and practice unbearable.
Children should not fear going to school
or fear their coaches or mentors.

I certify that this information is correct to the best of my knowledge.

Signature

Complainant

Date Signed

1-30-2014

Administrator or professional staff member receiving initial complaint Date initial complaint received

The investigating administrator shall give one (1) copy to the complainant and retain one (1) copy for the file.

FAX

Confidential:

Priority: High

Dr. Danny Trujillo, Superintendent
Eileen Ulibarri
Executive Administrative Assistant

FAX COVER SHEET

Española Public Schools

714 Calle Don Diego
Española, NM 87532
(505) 753-2254 (505) 367-3303
FAX: (505) 747-3514



From: Dr. Danny Trujillo
To: Ms. Charlotte H. Hetherington, Esq.
Fax Number: 505-954-7373
Reference to: An Act
Pages: 24
Faxed On: February 6, 2014

Notes: Attached are the documents Dr. Trujillo requested be faxed to you. Thank you.

Eileen

If we could begin by introductions, I am Esther Romero, Human Resource Director for the Espanola Public Schools, Could you please introduce yourself.

Name [REDACTED]

No recordings of this interview

Confidentiality of Interview

This interview is concerning allegations concerning the Head Boys Basketball Coach, Richard Martinez that was brought to the attention of our Superintendent, and an investigation was warranted. I have a few questions to ask that could be helpful for our investigation. Please be truthful and honest.

1. What position do you play? Varsity, Forward and Captain, is a Junior
2. Have you been playing basketball long? All his life. Is currently injured (shoulder), by next week hopefully will be released. Loves basketball and it is what keeps him going.
3. Have you seen any type of bullying, coach to player or player to coach? Yes, coach bullies players, talking to them and says lots of mean things.
4. Have you heard anyone saying profanity, at practice, locker room or game? If yes by whom? Coach says bad words like the "F" word and "shit" to the time. There is a limit to everything; he just goes over the limit. He has weird moods, just weird. Say dumb things and put down words like "you're a pussy".
5. Have you ever seen anyone be pushed/grabbed inappropriately? No
6. Have you ever been threatened? He has been told to get better and due to his injury that he should wait until next year to play.

Thank you for your time and know we are interested in the best for our students and the safety for all students and staff.

Submitted by:
Esther V. Romero
Human Resource Director

If we could begin by introductions, I am Esther Romero, Human Resource Director for the Espanola Public Schools, Could you please introduce yourself.

Name [REDACTED]

No recordings of this interview

Confidentiality of Interview

This interview is concerning allegations concerning the Head Boys Basketball Coach, Richard Martinez that was brought to the attention of our Superintendent, and an investigation was warranted. I have a few questions to ask that could be helpful for our investigation. Please be truthful and honest.

1. What position do you play? 11th grader, Center in Varsity
2. Have you been playing basketball long? Playing since 4th grade, loves the game
3. Have you seen any type of bullying, coach to player or player to coach? Only coach to player. He puts us down; he does it to get us better. When we are messing up he will tell us "I will replace you with someone else and put you back in JV", that is so mean and he just discourages us. Lots of players have transferred to other schools we are down to 2 seniors.
4. Have you heard anyone saying profanity, at practice, locker room or game? If yes by whom? Yes, but not real bad, both Coaches and Players say words, is okay with it.
5. Have you ever seen anyone be pushed/grabbed inappropriately? No, he did hear a slap but did not see the Coach do it.
6. Have you ever been threatened? For the past three weeks there has been no put downs or bad things said.

Coach Richard has never given him any hassles, only is upset about being replaced if he doesn't do good and players that have left to other schools. Also if you did not show up to the summer program he held it against you for not showing up.

Thank you for your time and know we are interested in the best for our students and the safety for all students and staff.

Submitted by:
Esther V. Romero
Human Resource Director

If we could begin by introductions, I am Esther Romero, Human Resource Director for the Espanola Public Schools, Could you please introduce yourself.

Name [REDACTED]

Mom [REDACTED]

No recordings of this interview

Confidentiality of Interview

This interview is concerning allegations concerning the Head Boys Basketball Coach, Richard Martinez that was brought to the attention of our Superintendent, and an investigation was warranted. I have a few questions to ask that could be helpful for our investigation. Please be truthful and honest.

1. What position do you play? Junior, is Combo Point and Shooter
2. Have you been playing basketball long? Yes since freshman year, in 8th grade moved up to play "C" team, has been in Espanola since the 7th grade. Was at Pojoaque since elementary.
3. Have you seen any type of bullying, coach to player or player to coach? Coach is always negative, never says good job only to certain players.
4. Have you heard anyone saying profanity, at practice, locker room or game? If yes by whom? Coach says the "F" word, "shit" words, makes it seem not directly at you but you know it is directed at you. Players say bad words only when they get frustrated, when you see an adult doing it you think it is okay to say those words also. Called us pussies and that his girls are stronger than them.
5. Have you ever seen anyone be pushed/grabbed inappropriately? Has been grabbed by the shirt and talked to face to face and says "I will knock you out" and to others not to me "Keep running and don't stop", calls everyone "dumb", "stupid" and "bananas" and other Spanish words but doesn't know what they are since he doesn't understand the language. He grabbed his friend and said "what are you doing" with saliva even hitting others.
6. Have you ever been threatened? Last two weeks have been good, but feels threatened by the way he looks at him and makes him feel uncomfortable. Coach has said "I don't need you anymore for offense, only play defense" I got mad that he said he didn't need more anymore. He feels they are treated like dirt, the first two years at the high school he would say "you're my little baby" but that was before he was coached by him.
I respect him and always have, he has a good record but he has taken it too far, and now he is messing with the wrong people.
He sometimes feels trapped and it sucks, it used to be when he was stressed that he would go play basketball and make he feel better but not basketball is also stressful with the coach.
He will keep playing basketball for himself because he loves basketball and loves the game and will keep working hard for himself.

Thank you for your time and know we are interested in the best for our students and the safety for all students and staff.

Submitted by:

Esther V. Romero, Human Resource Director

If we could begin by introductions, I am Esther Romero, Human Resource Director for the Espanola Public Schools, Could you please introduce yourself.

Name [REDACTED]

No recordings of this interview

Confidentiality of Interview

This interview is concerning allegations concerning the Head Boys Basketball Coach, Richard Martinez that was brought to the attention of our Superintendent, and an investigation was warranted. I have a few questions to ask that could be helpful for our investigation. Please be truthful and honest.

1. What position do you play? Forward Junior Varsity
2. Have you been playing basketball long? Playing 5 years
3. Have you seen any type of bullying, coach to player or player to coach? No
4. Have you heard anyone saying profanity, at practice, locker room or game? If yes by whom?
Mainly by players but Coach always stops it before it gets out of hand
5. Have you ever seen anyone be pushed/grabbed inappropriately? No, ever seen
6. Have you ever been threatened? No

At the beginning of the year, Coach told all the teams "If I say anything bad don't take it personally, take it as it is, it will go in one ear and out the other"

Thank you for your time and know we are interested in the best for our students and the safety for all students and staff.

Submitted by:
Esther V. Romero
Human Resource Director

If we could begin by introductions, I am Esther Romero, Human Resource Director for the Espanola Public Schools, Could you please introduce yourself.

Name [REDACTED]

No recordings of this interview

Confidentiality of Interview

This interview is concerning allegations concerning the Head Boys Basketball Coach, Richard Martinez that was brought to the attention of our Superintendent, and an investigation was warranted. I have a few questions to ask that could be helpful for our investigation. Please be truthful and honest.

1. What position do you play? Junior Varsity Guard
2. Have you been playing basketball long? Playing 10 years, loves basketball
3. Have you seen any type of bullying, coach to player or player to coach? No
4. Have you heard anyone saying profanity, at practice, locker room or game? If yes by whom?
Players say it but not the Coaches; there are consequences when we say bad words we have to do push-ups, only when we say them on the court, as the coaches do not go in the locker room.
5. Have you ever seen anyone be pushed/grabbed inappropriately? No
6. Have you ever been threatened? No

Coach Richard is a good coach, he coaches with lots of intensity (yells); he gets you to be the best you can.

Thank you for your time and know we are interested in the best for our students and the safety for all students and staff.

Submitted by:
Esther V. Romero
Human Resource Director

If we could begin by introductions, I am Esther Romero, Human Resource Director for the Espanola Public Schools, Could you please introduce yourself.

Name [REDACTED]

No recordings of this interview
Confidentiality of Interview

This interview is concerning allegations concerning the Head Boys Basketball Coach, Richard Martinez that was brought to the attention of our Superintendent, and an investigation was warranted. I have a few questions to ask that could be helpful for our investigation. Please be truthful and honest.

1. What position do you play? Junior Varsity and Varsity, shooting guard
2. Have you been playing basketball long? Has played all his life
3. Have you seen any type of bullying, coach to player or player to coach? Never, Coach is professional, pushes them academically and on the court.
4. Have you heard anyone saying profanity, at practice, locker room or game? If yes by whom?
Only by players, but not all players only questionable players (ones that have made accusations), it is part of the game, everyone does it. Coaches seldom and when they do it is not at the players only to themselves.
5. Have you ever seen anyone be pushed/grabbed inappropriately? Never
6. Have you ever been threatened? Never

Accusations are completely false, Coach puts in lots of time for the boys with early morning practices and everything, while he could be home with his girls and wife, but he is at the court with the players.

Mr. Mutz and Mr. Vigil should have stopped all this and defended the Coach.

He will fight for his coach as he is a legend.

He is slow but he works hard and all the players work their tails off. [REDACTED] is injured and Coach asked him for his jersey, because he needed to move someone into his slot until he returns, and he told him it was temporary but he got upset.

[REDACTED], [REDACTED] and [REDACTED] have always dragged when conditions, they never work hard but are always the first to complain due to playing time.

Thank you for your time and know we are interested in the best for our students and the safety for all students and staff.

Submitted by:
Esther V. Romero
Human Resource Director

If we could begin by introductions, I am Esther Romero, Human Resource Director for the Espanola Public Schools, Could you please introduce yourself.

Name [REDACTED]

No recordings of this interview

Confidentiality of Interview

This interview is concerning allegations concerning the Head Boys Basketball Coach, Richard Martinez that was brought to the attention of our Superintendent, and an investigation was warranted. I have a few questions to ask that could be helpful for our investigation. Please be truthful and honest.

1. What position do you play? Varsity, Guard
2. Have you been playing basketball long? Total of 7 years, 2 years with Coach Richard, loves basketball
3. Have you seen any type of bullying, coach to player or player to coach? No
4. Have you heard anyone saying profanity, at practice, locker room or game? If yes by whom? No
5. Have you ever seen anyone be pushed/grabbed inappropriately? No
6. Have you ever been threatened? No

Coach is a great guy, on a scale of 1-5 would give him a 5, wishes he would come back soon.

Thank you for your time and know we are interested in the best for our students and the safety for all students and staff.

Submitted by:
Esther V. Romero
Human Resource Director

Investigation Questions for February 5, 2014

Time 10:45 a.m.

If we could begin by introductions, I am Esther Romero, Human Resource Director for the Espanola Public Schools, Could you please introduce yourself.

Name [REDACTED]

No recordings of this interview

Confidentiality of Interview

This interview is concerning allegations concerning the Head Boys Basketball Coach, Richard Martinez that was brought to the attention of our Superintendent, and an investigation was warranted. I have a few questions to ask that could be helpful for our investigation. Please be truthful and honest.

1. What position do you play? Varsity, Junior Varsity is the Center
2. Have you been playing basketball long? Since 4th grade, love basketball
3. Have you seen any type of bullying, coach to player or player to coach? No
4. Have you heard anyone saying profanity, at practice, locker room or game? If yes by whom? No
5. Have you ever seen anyone be pushed/grabbed inappropriately? No
6. Have you ever been threatened? No

Coach has always been good to him and he helps him get better, He wasn't going to play but Coach called him and helped him and now he loves basketball and enjoys every game. Coach wants everyone to get to be the best; yes he yells at us but wants to see the good and the best in all of us.

Thank you for your time and know we are interested in the best for our students and the safety for all students and staff.

Submitted by:
Esther V. Romero
Human Resource Director

Investigation Questions for February 5, 2014

Time 9:05 a.m.

If we could begin by introductions, I am Esther Romero, Human Resource Director for the Espanola Public Schools, Could you please introduce yourself.

Name [REDACTED]

No recordings of this interview

Confidentiality of Interview

This interview is concerning allegations concerning the Head Boys Basketball Coach, Richard Martinez that was brought to the attention of our Superintendent, and an investigation was warranted. I have a few questions to ask that could be helpful for our investigation. Please be truthful and honest.

1. What position do you play? Varsity, Point Guard and Shooting Guard
2. Have you been playing basketball long? Since he was 5 years old
3. Have you seen any type of bullying, coach to player or player to coach? Compares us to other players. Does not like it when he messes up and then Coach says "I can replace your ass or move you to JV", he puts down a lot of the players.
4. Have you heard anyone saying profanity, at practice, locker room or game? If yes by whom? Yes by Coach a few times, when he is pissed or upset.
5. Have you ever seen anyone be pushed/grabbed inappropriately? No, not seen
6. Have you ever been threatened? Coach said "What the hell are you doing with your game, you can do better" when he has made 2 bad passes.

He is a good coach, only sometimes has a bad temper and takes it out on us.

Thank you for your time and know we are interested in the best for our students and the safety for all students and staff.

Submitted by:
Esther V. Romero
Human Resource Director

If we could begin by introductions, I am Esther Romero, Human Resource Director for the Espanola Public Schools, Could you please introduce yourself.

Name [REDACTED]

No recordings of this interview

Confidentiality of Interview

This interview is concerning allegations concerning the Head Boys Basketball Coach, Richard Martinez that was brought to the attention of our Superintendent, and an investigation was warranted. I have a few questions to ask that could be helpful for our investigation. Please be truthful and honest.

1. What position do you play? Center, Junior Varsity, 6'3"
2. Have you been playing basketball long? Yes since elementary, did not play in middle school
3. Have you seen any type of bullying, coach to player or player to coach? The team is like a family, they all get along, Coach is hard, but he expects a lot of us, he wants us to be better, he is a 4AAAA Coach, he will put players down to make us grow and be better men.
4. Have you heard anyone saying profanity, at practice, locker room or game? If yes by whom? Yes, lots of players but not all players. Coach does say some words especially if we are losing or he is stressed. [REDACTED] said he sometimes will blurt out a word but not in a bad way.
5. Have you ever seen anyone be pushed/grabbed inappropriately? No
6. Have you ever been threatened? Never

In elementary he was told that he was not good enough to play, even though everyone wanted him to play because of his height, and they kept telling him he was not good enough, so he was very hurt and did not play, until Coach talked to him one day and gave him confidence to play again and he has been helping him to play better.

He knows he is very sensitive and probably the most sensitive player on the team.

Coach does yell a lot and is very hard on them but he just wants them to be good and to also be good as individuals.

Thank you for your time and know we are interested in the best for our students and the safety for all students and staff.

Submitted by:

Esther V. Romero

Human Resource Director

If we could begin by introductions, I am Esther Romero, Human Resource Director for the Espanola Public Schools, Could you please introduce yourself.

Name [REDACTED] Ms. [REDACTED] – present for interview

No recordings of this interview

Confidentiality of Interview

This interview is concerning allegations concerning the Head Boys Basketball Coach, Richard Martinez that was brought to the attention of our Superintendent, and an investigation was warranted. I have a few questions to ask that could be helpful for our investigation. Please be truthful and honest.

1. What position do you play? Post Junior Varsity
2. Have you been playing basketball long? Since he was in elementary about 10 years
3. Have you seen any type of bullying, coach to player or player to coach? No
4. Have you heard anyone saying profanity, at practice, locker room or game? If yes by whom? No, Never
5. Have you ever seen anyone be pushed/grabbed inappropriately? No
6. Have you ever been threatened? No

Coach Richard is a good coach and is the best coach Espanola has had.

Ms. [REDACTED] – Coach Martinez has supported the boys 110%, not only on the court but academically, there is no favoritism, but helps all the boys succeed.

Thank you for your time and know we are interested in the best for our students and the safety for all students and staff.

Submitted by:
Esther V. Romero
Human Resource Director

Investigation Questions for February 5, 2014

Time 9:00 a.m.

If we could begin by introductions, I am Esther Romero, Human Resource Director for the Espanola Public Schools, Could you please introduce yourself.

Name [REDACTED]

No recordings of this interview

Confidentiality of Interview

This interview is concerning allegations concerning the Head Boys Basketball Coach, Richard Martinez that was brought to the attention of our Superintendent, and an investigation was warranted. I have a few questions to ask that could be helpful for our investigation. Please be truthful and honest.

1. What position do you play? Varsity, Guard
2. Have you been playing basketball long? Since elementary, 4th grade
3. Have you seen any type of bullying, coach to player or player to coach? No
4. Have you heard anyone saying profanity, at practice, locker room or game? If yes by whom? Yes by players, Coach does say "damm". If a play goes wrong he yells at us to do it right.
5. Have you ever seen anyone be pushed/grabbed inappropriately? No
6. Have you ever been threatened? No, a couple of players said not to go to practice, but he showed up anyway because he wanted to practice.

Coach Richard is a great coach, he has not done anything wrong, and he looks up to him since elementary. He also coached his sister team and she likes him too, she is now 27 years old and was also coached by him.

Thank you for your time and know we are interested in the best for our students and the safety for all students and staff.

Submitted by:
Esther V. Romero
Human Resource Director

Investigation Questions for February 5, 2014

Time 9:45 a.m.

If we could begin by introductions, I am Esther Romero, Human Resource Director for the Espanola Public Schools, Could you please introduce yourself.

Name [REDACTED]

No recordings of this interview

Confidentiality of Interview

This interview is concerning allegations concerning the Head Boys Basketball Coach, Richard Martinez that was brought to the attention of our Superintendent, and an investigation was warranted. I have a few questions to ask that could be helpful for our investigation. Please be truthful and honest.

1. What position do you play? Junior Varsity and Varsity
2. Have you been playing basketball long? Has played all his life, loves basketball.
3. Have you seen any type of bullying, coach to player or player to coach? No
4. Have you heard anyone saying profanity, at practice, locker room or game? If yes by whom?
Only on the court, part of who everyone is.
5. Have you ever seen anyone be pushed/grabbed inappropriately? No
6. Have you ever been threatened? No

Coach Richard is a very good coach, he yells but it is not bad. He gets us to be good players and good students.

Thank you for your time and know we are interested in the best for our students and the safety for all students and staff.

Submitted by:
Esther V. Romero
Human Resource Director

Investigation Questions for February 5, 2014

Time 10:10 a.m.

If we could begin by introductions, I am Esther Romero, Human Resource Director for the Espanola Public Schools, Could you please introduce yourself.

Name [REDACTED]

No recordings of this interview

Confidentiality of Interview

This interview is concerning allegations concerning the Head Boys Basketball Coach, Richard Martinez that was brought to the attention of our Superintendent, and an investigation was warranted. I have a few questions to ask that could be helpful for our investigation. Please be truthful and honest.

1. What position do you play? Varsity, Center and Power Forward, is 6'
2. Have you been playing basketball long? Since Freshman year, was a football player, moved from California
3. Have you seen any type of bullying, coach to player or player to coach? No
4. Have you heard anyone saying profanity, at practice, locker room or game? If yes by whom? Yes by players to themselves, he takes the game very seriously. Coach says to learn from mistakes. He has heard Coach say but to himself, "ass" or "hell" but to himself or the situation not at the players.
5. Have you ever seen anyone be pushed/grabbed inappropriately? No
6. Have you ever been threatened? No

Coach Richard is a good coach and a good person, he sometimes doesn't have money and coach gives him money and not only to him but to others in need for lunch or things they need, has also bought them backpacks from his own money.

Thank you for your time and know we are interested in the best for our students and the safety for all students and staff.

Submitted by:
Esther V. Romero
Human Resource Director

Investigation Questions for February 5, 2014

Time 10:20 a.m.

If we could begin by introductions, I am Esther Romero, Human Resource Director for the Espanola Public Schools, Could you please introduce yourself.

Name [REDACTED]

No recordings of this interview

Confidentiality of Interview

This interview is concerning allegations concerning the Head Boys Basketball Coach, Richard Martinez that was brought to the attention of our Superintendent, and an investigation was warranted. I have a few questions to ask that could be helpful for our investigation. Please be truthful and honest.

1. What position do you play? 10th grader, Varsity Guard
2. Have you been playing basketball long? All his life, 1st year in High School, played at private schools.
3. Have you seen any type of bullying, coach to player or player to coach? No
4. Have you heard anyone saying profanity, at practice, locker room or game? If yes by whom? Coach sometimes, no to us, under his breath. Players will say if they missed a shot or had a bad play but to themselves not to others.
5. Have you ever seen anyone be pushed/grabbed inappropriately? No
6. Have you ever been threatened? No

Coach Richard is the best coach he has had is only mean to make us be a stronger person and get you better and make you a man. He is a good guy.

Thank you for your time and know we are interested in the best for our students and the safety for all students and staff.

Submitted by:
Esther V. Romero
Human Resource Director

If we could begin by introductions, I am Esther Romero, Human Resource Director for the Espanola Public Schools, Could you please introduce yourself.

Name [REDACTED]

No recordings of this interview

Confidentiality of Interview

This interview is concerning allegations concerning the Head Boys Basketball Coach, Richard Martinez that was brought to the attention of our Superintendent, and an investigation was warranted. I have a few questions to ask that could be helpful for our investigation. Please be truthful and honest.

1. What position do you play? Point Guard, Varsity
2. Have you been playing basketball long? Since 4th grade, loves the game
3. Have you seen any type of bullying, coach to player or player to coach? No, Coaches tactics are not the best; he pushes us hard to get the best out of all the players.
4. Have you heard anyone saying profanity, at practice, locker room or game? If yes by whom? Yes, by both Coaches and Players. It happens, its basketball, all Coaches thru life are like that.
5. Have you ever seen anyone be pushed/grabbed inappropriately? No, unless he grabs one of us off the bench to go out and play during a game.
6. Have you ever been threatened? No

He likes to stay away from others and like to concentrate on his school work and his basketball. Loves Coach and thinks he is a good role model for him. They are 4-0 in Districts and you don't get there by not being hard. He has learned from other coaches that a soft coach makes for a soft quiet team and a hard coach makes for a good hard solid team.

Thank you for your time and know we are interested in the best for our students and the safety for all students and staff.

Submitted by:
Esther V. Romero
Human Resource Director

If we could begin by introductions, I am Esther Romero, Human Resource Director for the Espanola Public Schools, Could you please introduce yourself.

Name [REDACTED]

No recordings of this interview

Confidentiality of Interview

This interview is concerning allegations concerning the Head Boys Basketball Coach, Richard Martinez that was brought to the attention of our Superintendent, and an investigation was warranted. I have a few questions to ask that could be helpful for our investigation. Please be truthful and honest.

1. What position do you play? 10th grader, currently Junior Varsity, was Varsity at first
2. Have you been playing basketball long? All his life.
3. Have you seen any type of bullying, coach to player or player to coach? At Capital he had made 26 points, Coach walks in the locker room and starts yelling at him saying "Your worthless, just wait until you play for me" I was playing for J.V. at the time. I was upset, so when he went outside he told his parents immediately, they talked to Coach, but he denied it.
4. Have you heard anyone saying profanity, at practice, locker room or game? If yes by whom? Yes from all the Coaches, especially Coach Richard, he will say "What the "F" are you doing?"
5. Have you ever seen anyone be pushed/grabbed inappropriately? I have seen to others and to him, that he will grab your arm and tell you in your ear what you're doing wrong, like one time he said "You're lucky I didn't kick your ass".
6. Have you ever been threatened? No, but when [REDACTED] and [REDACTED] came to play he told me at practice "Your nothing to me, I got new players, I don't need you"

Yelling is fine, but when Coach says he doesn't need you and says bad words, and that you're not good or "What the "F" are you doing?" it just digs a hole into you. It is not good.

Thank you for your time and know we are interested in the best for our students and the safety for all students and staff.

Submitted by:
Esther V. Romero
Human Resource Director

Investigation Questions for February 5, 2014

Time 8:30 a.m.

If we could begin by introductions, I am Esther Romero, Human Resource Director for the Espanola Public Schools, Could you please introduce yourself.

Name [REDACTED]

Dad - [REDACTED] present

Dad did record the interview

No recordings of this interview

Confidentiality of Interview

This interview is concerning allegations concerning the Head Boys Basketball Coach, Richard Martinez that was brought to the attention of our Superintendent, and an investigation was warranted. I have a few questions to ask that could be helpful for our investigation. Please be truthful and honest.

1. What position do you play? Varsity, Point guard and shooting guard
2. Have you been playing basketball long? Since he was 3-4 years old
3. Have you seen any type of bullying, coach to player or player to coach? Yes, he hit my arm aggressively. I was wiping the sweat off my forehead, when he hit my arm aggressively, arm stayed red for a while and it hurt, all he did was walk away. My Father and family and some of my team mates saw him do it. It was at the Taos tournament around December 5-6, 2-13.
4. Have you heard anyone saying profanity, at practice, locker room or game? If yes by whom? No athletes, yes by Coach, at half time, during time outs, and he talks to himself, words like "shit" or where others might not hear him.
5. Have you ever seen anyone be pushed/grabbed inappropriately? Yes, saw [REDACTED] be shaken, Coach grabbed [REDACTED] by both shoulders with both arms and moved him; he was yelling at [REDACTED], it was at a tournament, does not remember where or when. When Coach is aggressive and bullying us he is crushing our dreams of playing for the Espanola Sun Devils.
6. Have you ever been threatened? Yes, that he is not capable of doing things on the court and it brings his confidence down.

Last couple of days he has seen his team mates with smiles on their faces and enjoying the game again.

Thank you for your time and know we are interested in the best for our students and the safety for all students and staff.

Submitted by:

Esther V. Romero

Human Resource Director

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Feb 6	3:28pm	Fax Sent	915059547373-0689	8:05	21	Error 346*

* A communication error occurred during the fax transmission.
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If we could begin by introductions, I am Esther Romero, Human Resource Director for the Espanola Public Schools, Could you please introduce yourself.

Name [REDACTED]

Dad - [REDACTED]

No recordings of this interview

Confidentiality of Interview

This interview is concerning allegations concerning the Head Boys Basketball Coach, Richard Martinez that was brought to the attention of our Superintendent, and an investigation was warranted. I have a few questions to ask that could be helpful for our investigation. Please be truthful and honest.

1. What position do you play? Varsity
2. Have you been playing basketball long? Since 3rd grade
3. Have you seen any type of bullying, coach to player or player to coach? Yes lots of negativity. Coach calls pussies, bananas, monkeys; he is always putting us down. When you mess up, it is not fun and he calls us lots of bad names. At the Rio Rancho tournament his friend was cleaning his sweat from his forehead when Coach slapped his hand, after the game his friend did not go into the locker room until Coach had left.
4. Have you heard anyone saying profanity, at practice, locker room or game? If yes by whom? Yes by Coach, when he is mad, he uses the "F" word most of the time. When you ask Coach about it he says he is saying it to the whole team not only to one player, but it seems like it is only to him or some of the players. Sometimes he says he is sorry, but not always. Players say bad words but only to each other.
5. Have you ever seen anyone be pushed/grabbed inappropriately? Yes, he pushed me down into the seat. Coach grabbed me by both shoulders and pushed me down into the seat at the Taos game, December 5-7, 2013. My father saw it. My dad went into the locker room and confronted Coach and told him I was not going on the bus and going home with my parents.
6. Have you ever been threatened? No

He only wants to play basketball but not for Coach Richard Martinez. He had quit for 1 week but is back on the team now.

[REDACTED] made a comment "When I went into the locker room I told Richard, I am disgusted with your coaching" I was so mad I didn't say anything else and left and also took my son as he was not going home on the bus. After that my son's playing time was diminished and hardly played at all and that's why he quit.

Thank you for your time and know we are interested in the best for our students and the safety for all students and staff.

Submitted by:

Esther V. Romero

Human Resource Director

Investigation Questions for February 5, 2014

Time 10:00 a.m.

If we could begin by introductions, I am Esther Romero, Human Resource Director for the Espanola Public Schools, Could you please introduce yourself.

Name [REDACTED]

No recordings of this interview

Confidentiality of Interview

This interview is concerning allegations concerning the Head Boys Basketball Coach, Richard Martinez that was brought to the attention of our Superintendent, and an investigation was warranted. I have a few questions to ask that could be helpful for our investigation. Please be truthful and honest.

1. What position do you play? Forward in Varsity
2. Have you been playing basketball long? Has played since he was young, a long time.
3. Have you seen any type of bullying, coach to player or player to coach? Yes, Coach is always belittling us, making players feel horrible inside and pulls you out of a game, not explaining what you did wrong.
4. Have you heard anyone saying profanity, at practice, locker room or game? If yes by whom? Bad language to students is not appropriate for adults to say to students. Coach yells at practice but also yells at everyone. Some players can handle it but others can't. Coach is hard but he has a hard mental hardness and he feels that it is wrong.
5. Have you ever seen anyone be pushed/grabbed inappropriately? No touching, but he did shake [REDACTED] during the Alumni game; he grabbed him by his shoulders and shocked him when they were in a huddle, after [REDACTED] went to the bench to sit down. It started when [REDACTED] and [REDACTED] (24 yrs. old) said words to each other and Coach Richard defended [REDACTED]
6. Have you ever been threatened? No

This week he feels he is more at ease and so is the whole team that Coach has been gone.

Thank you for your time and know we are interested in the best for our students and the safety for all students and staff.

Submitted by:
Esther V. Romero
Human Resource Director

Investigation Questions for February 5, 2014

Time 3:00 p.m.

If we could begin by introductions, I am Esther Romero, Human Resource Director for the Espanola Public Schools, Could you please introduce yourself.

Name Richard Martinez

No recordings of this interview

Confidentiality of Interview

This interview is concerning allegations concerning the Head Boys Basketball Coach, Richard Martinez that was brought to the attention of our Superintendent, and an investigation was warranted. I have a few questions to ask that could be helpful for our investigation. Please be truthful and honest.

1. What position do you Coach? Head Basketball Coach Varsity
2. Have you been coaching basketball long? 25 years total, 11 years in Espanola
3. Have you seen any type of bullying, coach to player or player to coach? No
4. Have you heard anyone saying profanity, at practice, locker room or game? If yes by whom? No one is perfect, at times it has slipped, not at others but at mistakes
5. Have you ever seen anyone be pushed/grabbed inappropriately? He demands high expectations of students, but has never pushed or touched any of the kids. He has always gone up and beyond to help anyone of the kids that needs his help.
6. Have you ever been threatened? No

He has always moved players from varsity to JV or vice versa, depending on their strengths and abilities. Once they get better while on JV, then he thinks about moving them back to varsity, it is good for them. He is demanding for the betterment of the team but not to knock them down. He has never done name calling. There is protocol for students to get off campus, does know the rules but does not remember and knows when the student was taken off campus.

When he returns he will be more cautious, read and document and re-read what happened to make sure the kids get the right information and understand. He also mentioned if he was so bad, then why students are always hanging around in his office. And when he walks down the hall students high five him and smile, laugh and play around with him.

Thank you for your time and know we are interested in the best for our students and the safety for all students and staff.

Submitted by:

Esther V. Romero
Human Resource Director

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Feb 6	3:43pm	Fax Sent	915059547373-0689	1:35	3	OK

INVESTIGATIONS DIVISION

FILE NUMBER: 800531

CASE NAME: Richard Martinez

ATTACHMENT #5

**Letter of Reprimand by Superintendent Dr. Trujillo
February 6, 2014**

SUPERINTENDENT

Dr. Daniel Trujillo

danny.trujillo@k12espanola.org

Website: www.k12espanola.org

714 Calle Don Diego

Espanola, New Mexico 87532

505-367-3303 • Fax (505) 747-3514



Confidential

BOARD OF EDUCATION

Ralph Medina, President

Lucas Fresquez, Vice President

Annabelle Almager, Secretary

Pablo E Lujan, Member

Andrew J. Chavez, Member

February 6, 2013

To: Mr. Richard Martinez
From: Dr. Trujillo, EPS Superintendent
RE: Letter of Reprimand

This is notification that this is a formal letter of reprimand as to the allegations presented during our investigation that commenced on January 20, 2014 and terminated on February 6, 2014.

Allegation #1: Physicality towards students

Finding/Reprimand: While the investigation disclosed that there did not exist substantial evidence to justify this allegation – it did disclose some evidence of grabbing of shirts that is deemed inappropriate and it does warrant concern; therefore, you are hereby notified that any physical gesture of a threatening nature will result in a procedure aimed at termination.

Allegation #2: Use of Profanity


Finding/Reprimand: The investigation did disclose that you do use profanity as supported by your own admittance that warrants concern; therefore, you are hereby notified that you are not to use profane language in front of the students. This is a recurring allegation based on two Professional Growth Plan letters that warranted suspension; therefore, a subsequent outburst of profanity will result in a procedure aimed at re-evaluation with possible termination.

Allegation #3: Bullying

Finding/Reprimand: The investigation did disclose that you use language and gestures that might be construed as bullying and it does warrant concern; therefore, you are hereby notified that any belittling of students, using fear/scare tactics, or name calling will not be tolerated and will result in a procedure aimed at re-evaluation with possible termination.

By signing below, you are acknowledging receipt of this letter and have agreed to the development of a formal Professional Growth Plan through your tenure as an employee of the Espanola Public School District.

Respectfully,


Danny Trujillo, Ed.D.
EPS Superintendent
C: Personnel File


Accredited by North Central Association of Universities Colleges and Secondary Schools
AN EQUAL OPPORTUNITY EMPLOYER

February 6, 2013

To: Mr. Richard Martinez
From: Dr. Trujillo, EPS Superintendent
RE: Letter of Reprimand

This is notification that this is a formal letter of reprimand as to the allegations presented during our investigation that commenced on January 20, 2014 and terminated on February 6, 2014.

Allegation #1: Physicality towards students

Finding/Reprimand: While the investigation disclosed that there did not exist substantial evidence to justify this allegation – it did disclose some evidence of physically touching students or grabbing of shirts that is deemed inappropriate and it does warrant concern; therefore, you are hereby notified that any physical gesture of a threatening nature will result in a procedure aimed at termination.

Allegation #2: Use of Profanity

Finding/Reprimand: The investigation did disclose that you do use profanity as supported by your own admittance that warrants concern; therefore, you are hereby notified that you are not to use profane language in front of the students. This is a recurring allegation based on two Professional Growth Plan letters that warranted suspension; therefore, a subsequent outburst of profanity will result in a procedure aimed at re-evaluation with possible termination.

Allegation #3: Bullying

Finding/Reprimand: The investigation did disclose that you use language and gestures that might be construed as bullying and it does warrant concern; therefore, you are hereby notified that any belittling of students, using fear/scare tactics, or name calling will not be tolerated and will result in a procedure aimed at re-evaluation with possible termination.

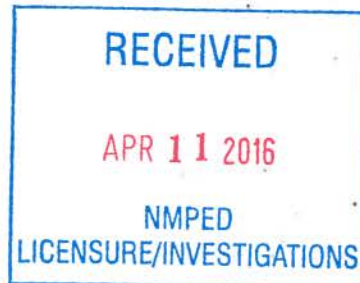
By signing below, you are acknowledging receipt of this letter and have agreed to the development of a formal Professional Growth Plan through your tenure as an employee of the Espanola Public School District.

Respectfully,

Danny Trujillo, Ed.D.
EPS Superintendent
C: Personnel File

Allegation - Non-Finder

Benito Feb 10, 2013



TO: Richard Martinez, Head Coach Boys Basketball EVHS

Fr: Hoyt Mutz Principal EVHS

Re: Growth Plan & Expectations for 2014 thru 2015 SY

DT: January 24, 2014

This past Tuesday (1-21-14) several parents were in to see me about concerns they had about the Varsity Boys Basketball program. There were several complaints/accusations reported to me by the basketball parents relative to your role as the Sun Devil Basketball Head Coach. These complaints were submitted in writing along with different testimonies from each parent. On Thursday January 23, 2014 I and Mr. Vigil sat down with you and discussed the parent's concerns. As I told you at the beginning of meeting I will be preparing a PGP that you are expected to adhere to and followed through with fidelity. This also applies to your JV and C teams of which the head coach is responsible for. To ensure that these types of concerns/complaints do not re-surface again I am submitting the following expectations: Note that if there is any violation to these expectations further consequences may be imposed including up to termination from your head coaching position.

EXPECTATIONS:

- There will be zero tolerance for any type (or what could be construed) as retaliation/intimidation.
- There will be zero tolerance for physicality with your players.
- At no time will you or your assistants use inappropriate/profane language in front of your players during practice or games.
- You and your coaches are to keep your emotions under control at all times.
- Make sure you athletes understand what you are telling them. Restate if necessary.
- Be positive with all your players and encourage them at all times.
- Student athletes will not receive any kind of preferential treatment in your P.E. classes.
- Paid assistant coaches must be at all games and practice, unless approved by the A.D.
- You will conduct yourself professionally during the course of competition and practices.
- You will comply with all applicable NMAA and district regulations as they pertain to practice times and days.
- Ensure that as the athletes work hard they are also encouraged to have fun.
- Do not, play head games with your players.
- These expectations are to be at every level of your basketball program.
- Encourage parental involvement.

- Be fair and consistent with all your athletes.
- Do not transport students in your private car.

Thank you for your anticipated cooperation in this matter, and I look forward to continued success for the remainder of the district contests.

Hoyt Mutz, Principal EVHS

Copies: Mr. Eric Vigil, Athletic Coordinator

Dr. Trujillo, Superintendent

Signature: 

Date: 24 Jan 2014

My signature on this document acknowledges that I have been given a copy of this document, but it does not necessarily indicate my agreement with any or all parts of the document.

**ESPAÑOLA PUBLIC SCHOOLS
PROFESSIONAL GROWTH PLAN**

School Year 2013-2014

Teacher/Employee Richard Martinez Evaluator/Title Dr. Danny Trujillo, Superintendent
Current Licensure Level, (if applicable) _____

1. OBJECTIVE (Clear and Measurable)	2. WHY	3. WHAT I WILL DO (Project or action)	4. HOW I WILL ASSESS
1.1 Teacher or employee competencies addressed	2.1 Supporting data, if available	3.1 Necessary resources	4.1 Artifacts (Evaluation evidence)
<i>Bullying is Cozine</i> <div>1.2 Intended impact on practice</div>	<i>No Not Done</i> <i>no more Colley</i> <i>Supportive / new</i> <i>decisions</i>	<i>De-escalation</i> <div>3.2 Timeline and who is responsible</div> <i>People</i>	

Teacher/Employee _____ Date _____

Principal or designee _____ Date _____

Set up 4 mtg. Parents / students

753-8134

ESPAÑOLA PUBLIC SCHOOLS PROFESSIONAL GROWTH PLAN

School Year 2013-2014

Teacher/Employee Richard Martinez Evaluator/Title Dr. Danny Trujillo, Superintendent
Current Licensure Level, (if applicable) _____

1. OBJECTIVE (Clear and Measurable)	2. WHY	3. WHAT I WILL DO (Project or action)	4. HOW I WILL ASSESS
1.1 Teacher or employee competencies addressed <i>Prohibit - for transfer long.</i>	2.1 Supporting data, if available <i>Mentioned - video reviews</i>	3.1 Necessary resources <i>- Description from</i>	4.1 Artifacts - (Evaluation evidence)
1.2 Intended impact on practice <i>transfer on students</i>	<i>- Direct Supervisor</i>	3.2 Timeline and who is responsible <i>- Dr. Vigi -</i> <i>- Dan</i> <i>- AS</i> <i>- Coza</i> <i>- Jernad only.</i>	

Teacher/Employee _____ Date _____

Principal or designee _____ Date _____

**ESPAÑOLA PUBLIC SCHOOLS
PROFESSIONAL GROWTH PLAN**

School Year 2013-2014

Teacher/Employee Richard Martinez Evaluator/Title Dr. Danny Trujillo, Superintendent
Current Licensure Level, (if applicable) _____

1. OBJECTIVE (Clear and Measurable)	2. WHY	3. WHAT I WILL DO (Project or action)	4. HOW I WILL ASSESS
1.1 Teacher or employee competencies addressed	2.1 Supporting data, if available	3.1 Necessary resources	4.1 Artifacts (Evaluation evidence)
<i>Bullying is Cozine</i> <div>1.2 Intended impact on practice</div>	<i>No Not Done</i> <i>no more Colley</i> <i>Supportive / new</i> <i>decisions</i>	<i>De-escalation</i> <div>3.2 Timeline and who is responsible</div> <i>People</i>	

Teacher/Employee _____ Date _____

Principal or designee _____ Date _____

Set up 4 mtg. Parents / students

753-8134

ESPAÑOLA PUBLIC SCHOOLS PROFESSIONAL GROWTH PLAN

School Year 2013-2014

Teacher/Employee Richard Martinez Evaluator/Title Dr. Danny Trujillo, Superintendent
Current Licensure Level, (if applicable) _____

1. OBJECTIVE (Clear and Measurable)	2. WHY	3. WHAT I WILL DO (Project or action)	4. HOW I WILL ASSESS
1.1 Teacher or employee competencies addressed <i>Prohibit - for transfer long.</i>	2.1 Supporting data, if available <i>Mentioned - video reviews</i>	3.1 Necessary resources <i>- Description from</i>	4.1 Artifacts - (Evaluation evidence)
1.2 Intended impact on practice <i>transfer on students</i>	<i>- Direct Supervisor</i>	3.2 Timeline and who is responsible <i>- Dr. Vigi -</i> <i>- Dan</i> <i>- AS</i> <i>- Coza</i> <i>- Jernad only.</i>	

Teacher/Employee _____ Date _____

Principal or designee _____ Date _____

**ESPAÑOLA PUBLIC SCHOOLS
PROFESSIONAL GROWTH PLAN**

School Year 2013-2014

Teacher/Employee Richard Martinez Evaluator/Title Dr. Danny Trujillo, Superintendent
Current Licensure Level, (if applicable) _____

1. OBJECTIVE (Clear and Measurable)	2. WHY	3. WHAT I WILL DO (Project or action)	4. HOW I WILL ASSESS
1.1 Teacher or employee competencies addressed <i>Right to go / Coachman</i>	2.1 Supporting data, if available <i>- Visual / Evidence</i>	3.1 Necessary resources <i>- Mediation</i>	4.1 Artifacts (Evaluation evidence) <i>Doc. Agenda</i>
1.2 Intended impact on practice <i>Caring Physical</i> <i>Construct</i>	<i>- Jany Grame / Practice</i> <i>School</i> <i>(After School)</i>	3.2 Timeline and who is responsible <i>- Counsel</i> <i>- Parents</i> <i>- Syle / Sam</i> <i>A.D.</i> <i>- Dr. Nkide</i>	

Teacher/Employee _____ Date _____
Principal or designee _____ Date _____

School Year 2013-2014

1. OBJECTIVE (Clear and Measurable)	2. WHY	3. WHAT I WILL DO (Project or action)	4. HOW I WILL ASSESS
1.1 Teacher or employee competencies addressed Right Tool / Coaching - <i>Right Tool / Coaching</i>	2.1 Supporting data, if available - Visual / Evidence - <i>Visual / Evidence</i>	3.1 Necessary resources - <i>Mediation</i> - <i>Visual / Timeline for Right Tool</i>	4.1 Artifacts (Evaluation evidence) <i>Doc. Agendas</i>
1.2 Intended impact on practice <i>Doing Physical</i> <i>Constructive</i>	- <i>Doing Game / Practice</i> <i>(School, After-School)</i>	3.2 Timeline and who is responsible - <i>Coach</i> - <i>Parent</i> - <i>Self / Team</i>	

Teacher/Employee	Date
Principal or designee	Date

February 5, 2014

Espanola Public Schools District
Attn: Dr. Daniel Trujillo, Superintendent
221 Onate Street
Espanola, NM 87532



Dear Dr. Daniel Trujillo and Ralph Medina, Board President:

It is my distinct pleasure to write this letter in support of Coach, Richard Martinez. I have known Coach Martinez and his family for many years. I also supported him when he was coaching for the Coronado Leopards as I had a nephew playing for him. Currently, I have a grandson who plays for the JV.

I am quite distraught about what is currently going on. I decided it was important to be heard. I started by looking up the definition of the word "coach". The definition is "one who instructs players in the fundamentals of a sport and directs team strategy." I know that Coach Martinez has always had the best interests of his players and has promoted sportsmanship, fostered good character by teaching, enforcing, advocating and modeling the core values of sportsmanship, such as honesty, respect, integrity, teamwork, leadership and personal responsibility for one's actions.

Coach Martinez conducts his sports program in a manner that enhances the mental, social, and moral development of the athletes. He teaches positive life skills that will help the players become personally successful and socially responsible. I truly believe that Coach Martinez demonstrates the same core values that he grew up with and expects the same of his family. He has the best interests of his players!

I reviewed the "Code of Ethics for School Personnel" in the NMAA Regulations. The regulations state that school personnel are committed to the Student, Community, to the Profession and to Professional Employment Practices. Coach Martinez is a good member of his profession, community and in my opinion is a great role model not only for his students, family, friends and other coaches throughout various school districts. He has had much experience leading the Leopards and Sundevils and makes it his mission to represent ESPANOLA VALLEY HIGH SCHOOL very well! I am sure the Student Body, community leaders, parents, grandparents, friends and neighbors support him as well.

Thank you for allowing me to voice my opinion in this very important matter. I remain hopeful that these points will impact a favorable decision.

Sincerely,

Martha Austin

Cc:

Ralph Medina, School Board President
Lucas Fresquez, School Board Vice President
Annabelle Almager, School Board Secretary
Andrew Chavez School Board Member
Pablo Lujan School Board Member



February 5, 2014

2/5/14
Zell

Mr. Danny Trujillo, Superintendent
Española Public Schools
Española, New Mexico 87532

Dear Mr. Trujillo:

The following is the Chronology of Events pertaining to Mr. Richard Martinez

January 22nd - Sundevils play at Santa Fe. Mr. Mutz attends to monitor Mr. Martinez and gave written directives to Mr. Martinez for expected behavior.

January 23rd - Mr. Martinez, Mr. Mutz, and Mr. Vigil meet to discuss concerns of parents.

January 24th - Mr. Martinez is given a Growth Plan.

January 25th - Sundevils host Capital. Mr. Vigil and Mrs. Valdez monitor Mr. Martinez.

January 28th - Sundevils host Los Alamos. Mr. Vigil, Mrs. Valdez and Mr. Mutz monitor Mr. Martinez.

January 29th - Formal complaint filed by Mr. Archuleta.

January 31st - Coach Martinez placed on Admin. Leave.

If you have any questions, please call me at 367-3401 or on my cell 927-3083

Respectfully,

Eric Vigil
Mr. Eric Vigil, AD
EPS

3/6/14

- [redacted] - mother of [redacted] SPED students
in Oct. allegation of Coach/Richard/Teacher of slap of face
video - no evidence to support allegations

girls or players threatened if find who did it

breaking up fight might of hit by accident

agree that all students have rights

Mr. [redacted] interviewed and found no evidence
to support allegations.
should not be a teacher or coach.
says daughter does not lie -

[redacted]
investigation was conducted

* [redacted] Oct. happened in P.E. class
3 days after incident happened, mother, [redacted] name,
in & said Coach R. Martinez had sold her a car
it was worthless, he is nothing but a pig. [redacted]
spoke to her and report was turned over to police.
no statement was received by mother or daughter, a
statement was received 2/4/14, video tape showed no evidence.

INVESTIGATIONS DIVISION

FILE NUMBER: 800531

CASE NAME: Richard Martinez

ATTACHMENT #6

Written warning letter (October 2, 2012) and Letter of Memorandum (October 8, 2012) to Richard Martinez from Lenny Roybal; Athletic Director

To: Mr. Richard Martinez
Fr: Mr. Lenny Roybal, Athletic Director/EPS
Date: October 2, 2012
Re: Assistant Coaches



Coach Martinez,

After a verbal conversation regarding coaches being approved at Human Resources I find it necessary to give you a written warning regarding [REDACTED] working with the Basketball Team without clearance from the Human Resources Department. I have advertised said position as required by the Española School District. There *are* only four paid positions.

cc: Mr. Arthur Blea/Superintendent/EPS
Mr. Hoyt Mutz/Principal/EVHS

Memorandum

To: Mr. Richard Martinez, Basketball Coach
Fr: Mr. Lenny Roybal, Athletic Director
Re: Home Basketball Tournament
Date: 10/8/2012

Roybal

Coaches must follow the chain of command, must go through the proper protocol procedures, and may even have to get board approval in order to name a school function after any person.

The Basketball Tournament scheduled for December 13th – 15th is to be called the Española Valley Basketball Classic.

cc: Mr. Arthur Blea, Superintendent/EPS
Mr. Hoyt Mutz, EVHS Principal

INVESTIGATIONS DIVISION

FILE NUMBER: 800531

CASE NAME: Richard Martinez

ATTACHMENT #7

Professional leave and Absence letters

Leslie Kilmer

From: Leslie Kilmer
Sent: Monday, November 02, 2015 11:52 AM
To: Richard Martinez
Subject: Absence Today

Good Morning Mr. Martinez,

I was informed this morning by our office manager that you did not communicate with the office regarding your absence today. I was informed by Mr. Vigil that your assistant basketball coach was with your athletic period 1st. School officials did not realize that your students were left unattended until our Security Guard, Mr. Wright, informed the office during 2nd period. Because the school was not informed of your absence all of your classes have been sent to the library because we could not secure a sub this late in the day. Mr. Mac has Credit Recovery in the library all day and this is an additional burden on him to supervise that many more students. Also concerning to me is this being the opening day of basketball season, November 2nd, I am concerned that your absence is sending a negative message to your student athletes regarding the importance of being in school and on time every day.

I understand that emergencies do occur that can cause an individual to be absent from work, but I will expect you to be sure and contact the school in the event that you have a situation in the future that causes you to be out of work.

Thank you,

Leslie Romero Kilmer



Leslie Kilmer

From: Leslie Kilmer
Sent: Monday, November 23, 2015 8:53 AM
To: Richard Martinez
Cc: Eric Vigil
Subject: Professional Leave

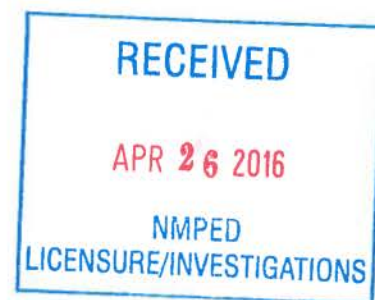
Good Morning Coach,

Congratulations on your wins Friday evening!

I wanted to remind you about the importance of putting in for professional leave in advance of your absences for coaching. Folks had to scramble to cover for you at the last minute on Friday because your absence had not been entered. I would like to recommend that you look at your calendar and enter all of your coaching related absences since now. If I can be of assistance, please do not hesitate to contact me.

Thank you for your attention to this important matter.

Leslie Romero Kilmer



INVESTIGATIONS DIVISION

FILE NUMBER: 800531

CASE NAME: Richard Martinez

ATTACHMENT #8

Observation #2 letter

March 24, 2016

Richard Martinez: Observation #2

P.R.K.
3/21/16
P.R.K.
In preparation for Observation #2 I have asked all staff to have their lesson plans and Pre Conference Form uploaded in Teachscape 3 days prior to their classroom observation. I checked on 3/21/16 and 3/22/16 for Mr. Martinez's lesson plan and Pre Conference form. They had not been uploaded. On 3/23/16 I had three classroom observations scheduled and when I checked for lesson plans and Pre Conference Form for Coach Martinez who was to be observed at 10:35 a.m., he still had not uploaded these documents. At that point I asked my Office Manager, Vickie Martinez, to get in touch with Mr. Martinez to see if he was prepared for his classroom observation. She went to the gym to find Mr. Martinez, his students were in the gym, but she could not locate him. On the way back to the office she found him in the hallway and asked him to come see Ms. Kilmer. When Mr. Martinez arrived I asked if he knew he was to be observed today and he said yes, but he just hadn't had time to prepare and he had been so busy since the state tournament.

Mr. Martinez was placed on administrative leave on March 21, 2016 and to date I have not conducted Observation #2 for him.

Christine Romero Kilmer 4/25/16



Jemez Mountain Public Schools

P. O. Box 230
Gallina, NM 87017
(505) 638-5491
Fax: (505) 638-5571

April 21, 1998

Richard Martinez
[REDACTED]

RE: Notice of Intention to Terminate

HAND DELIVERED

Dear Richard Martinez:

Pursuant to Section 22-10-12, N. M. Stat. Ann., you are hereby notified that the Board of Education of the Jemez Mountain Public Schools intends to terminate your employment at the end of the 1997-98 school year, and that the Board does not intend to reemploy you for the 1998-99 school year. The action of the Board of Education in deciding to terminate your employment was taken at the duly called Board meeting of April 20, 1998.

Pursuant to section 22-10-14, N.M. Stat. Ann., you may request in writing the reasons for your termination. The Superintendent shall provide such statement of reasons within ten working days of receipt of your request. The statement of reasons shall not provide a basis for contesting the decision under the School Personnel Act.

Board of Education of the Jemez Mountain Schools

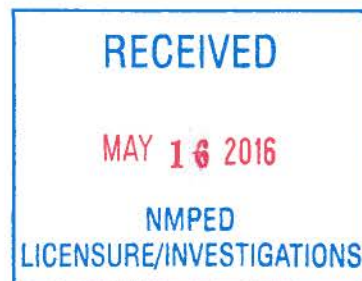
By: William J. Maes
Superintendent

Sincerely,

William J. Maes
Superintendent

WJM

cc: File



May 1, 1998



William Maes
[REDACTED]

RE: Reason for Termination

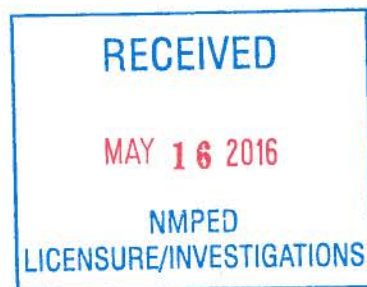
Dear William Maes:

Mr. William Maes on April 20, 1998 I was not recommended for my teaching position at Coronado High and Mid School. Therefore, I'm requesting in writing a reason for my termination.

Sincerely,

A handwritten signature in dark ink, appearing to read "Richard B. Martinez".

Richard B. Martinez



Jemez Mountain Schools

District 53

P.O. Box 230

Gallina, N.M. 87017

Administration Office

(505) 638-5491

(505) 638-5419

FAX:

(505) 638-5571

Gallina Elementary 638-5649

Coyote Elementary 638-5422

Lybrook Elementary 568-4491

Lindrieth Elementary 774-6669

Coronado Mid School 638-5549

Coronado High School 638-5549

May 1, 1998

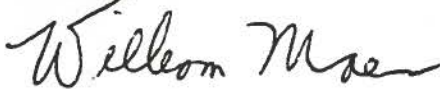
Mr. Richard Martinez
[REDACTED]

Dear Mr. Martinez:

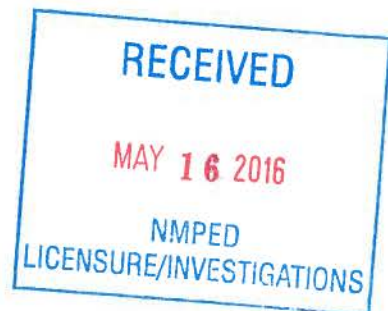
Please be advised that the reason for termination is as follows:

*Insubordination

Sincerely,



William J. Maes
Superintendent



Mr. Markin

Please be advised that the reason
for termination is as follows

- Subordination

Sincerely to
Wm. Mc

RECEIVED

MAY 16 2016

NMPED
LICENSURE/INVESTIGATIONS

ESPANOLA PUBLIC SCHOOL DISTRICT
714 CALLE DON DIEGO
ESPANOLA, NEW MEXICO

BUSINESS PH: (505) 753-4084
FAX: (505) 753-2321

VERIFICATION OF EXPERIENCE
(CERTIFIED PERSONNEL)

ADDRESS TO FORMER EMPLOYER

Jemez Mtn Schools
PO Box 230
Gallina NM 87015

PLEASE RETURN TO:

ELI S. MARTINEZ
DIRECTOR OF HUMAN RESOURCES

THIS IS TO CERTIFY THAT Martinez Richard
(LAST NAME) (FIRST NAME) (MAIDEN NAME)

WAS EMPLOYED IN THE Jemez Mountain Schools
(NAME OF ORGANIZATION/EMPLOYER)

CITY OF Gallina, COUNTY OF Rio Arriba

STATE OF New Mexico FOR THE PERIOD NAMED BELOW:

(PLEASE USE A SEPARATE LINE FOR EACH YEAR)

YEAR BEGINNING	YEAR ENDING	NUMBER OF YEARS/MONTHS ACTUAL WORK	INDICATE WHETHER FULL/PART/SUBSTITUTE TIME
1. <u>1996</u>	<u>1997</u>	<u>1</u>	<u>Full</u>
2. <u>1997</u>	<u>1998</u>	<u>1</u>	<u>Full</u>
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____

TOTAL OF PRIOR SERVICE ALLOWED: _____

THIS AUTHORIZES THE ESPANOLA PUBLIC SCHOOLS

TO REQUEST VERIFICATION OF EMPLOYMENT.

Richard R Martinez
NAME OF EMPLOYEE (PRINT)

[Signature]
SIGNATURE

12/98
DATE

NAME OF DISTRICT/ORGANIZATION

VERIFYING:

Jemez Mountain Schools

William J. Man
SIGNATURE

Superintendent
TITLE

8/19/98
DATE

*** TRANSMISSION REPORT ***

AUG-20-98 07:40 ID:

START TIME	AUG-20-98 07:39
TELEPHONE NUMBER	15057532321
NAME(ID NUMBER)	5057532321
TRANSMISSION MODE	EMMR
RESOLUTION	STD
PAGES TRANSMITTED	001
MAILBOX	OFF
SECURITY	OFF
INFORMATION CODE	OK
REDIALING TIMES	01
MACHINE ENGAGED	00'29
JOB NUMBER	369

THIS TRANSMISSION IS COMPLETED.

LAST SUCCESSFUL PAGE 001

8-17-98

To Whom it May Concern:

Please for paper work to

Following Address

Eli S Martinez
Director of Human Resources
Española Public School District
714 Calle Don Diego
Española N.M.
87532

Thank you
~~R. M. M.~~
Richard R. M. M.

FAX # 505-753-2321

IF possible no later than
8-19-98

Thank You

**CERTIFIED (LICENSED) SCHOOL INSTRUCTOR CONTRACT
JEMEZ MOUNTAIN SCHOOL DISTRICT NO. 53
GALLINA, NEW MEXICO 87017
SCHOOL YEAR SY 97-98**

- I. **Authority:** This regulation is being promulgated pursuant to sections 22-2-1 and 22-10-11, New Mexico Statutes Annotated, 1978 Compilation. This regulation supersedes SBE Regulation No. 72-25, adopted by the State Board of Education on December 8, 1972, and filed January 8, 1973.
- II. The Board of Education of the Jemez Mountain Public Schools, Gallina, New Mexico, herein called "Board" and **Richard Martinez**, herein called "Instructor," agree:
1. The Board employs the instructor for the school year(s) 97-98 beginning on **August 18, 1997** and ending on the date specified by the Board in its calendar for the 97-98 school year, subject to adjustment for required makeup days.
 2. The instructor shall present himself or herself for duty at such times and places as designated by the Superintendent or his (her) authorized personnel.
 3. In accordance with the Board's approved salary schedule for use during the school year 97-98, the instructor's salary shall be based upon the following factors: **BA** degree, plus **45** additional approved semester hours, and **10** years of allowable experience is **\$30,020.00**, plus special increments as follows:

Boys Cross Country (Head)	1,500.00
Boys Basketball (Head)	2,200.00

less required amounts for authorized deductions. All of the above are subject to verification and, in the event of any error or incorrect computation, appropriate adjustment of this contract will be made after consultation with the Instructor.

The contract salary for the school year 97-98, shall be paid to the Instructor in 24 installments. The first installment shall be due and payable on September 10, 1997.

The contract salary for the school year 97-98 is based upon a school year of 180 teaching days plus 2 non-teaching inservice days for a total of 182 working days and subject to the approved budget. For each day's absence from duty not included in sick leave or otherwise compensated for, deductions shall be made in accordance with the rules of the Board.

RECEIVED AUG 29 1997/24

**SBE Regulation No. 88-1
Amendment 1**

In the event that the Instructor is employed on a two (2) or three (3) year contract, paragraph 3, herein may be amended in the second and or/third year(s) to reflect any appropriate district salary adjustment factors.

The Board may, but shall not be required to, increase prospectively the salary for any school year governed by the terms of this contract if additional non-categorical Operational Fund Revenues are made available to the school district for that school year as a result of a unit value increases. Any increase is subject to budgetary approval by the State Department of Public Education.

4. This contract and the parties hereto are and shall continue to be subject to applicable laws of the State of New Mexico and the rules and regulations of the State and Local Boards of Education.
5. This contract may also be canceled by the Board for cause not personal to the Instructor when a reduction in personnel is required as a result of legislative appropriation or authorization being made by the state and/or federal government for the performance of this contract, in accordance with the New Mexico Statutes and any applicable rules and regulations of the State of New Mexico.

Signed

R. H. R. M.
Instructor

Date

28 Aug 97

Total Contract: \$33,720.00

Signed

[Signature]
Business Manager

Date of Execution _____

Signed

[Signature]
Board President

Date

8-18-97

Signed

[Signature]
Board Secretary

Date

8-18-97

RECEIVED

MAY 16 2016

NMPED
LICENSURE/INVESTIGATIONS